

**ORIGINAL**Decision No. 61506

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ALFRED F. ANTONI, doing business as  
 ANTONI TRUCK LINES, for a certificate  
 of public convenience and necessity  
 to extend highway common carrier  
 service.

Application No. 42740

E. H. Griffiths and James E. Busch,  
 for applicant.

O P I N I O N

Alfred F. Antoni is engaged in operations as a highway common carrier for the transportation of property, except wood chips and shavings, between San Francisco, South San Francisco, Richmond, El Cerrito, Albany, Berkeley, Emeryville, Alameda, Oakland, and San Leandro, on the one hand, and, on the other hand, all points north of Healdsburg to and including Laytonville, and including also Talmage and Redwood Valley, and between all such points north of Healdsburg, and between all such points and points in Lake County. This authority was granted by Decision No. 50299 dated November 24, 1959, in Application No. 41172, which decision also granted him statewide rights as a petroleum irregular route carrier as defined in Section 214 of the Public Utilities Code, with certain commodity exceptions.

By this application, filed October 11, 1960, applicant requests a restatement of all his operative rights and the inclusion of additional rights authorizing service to points including and

intermediate to Healdsburg and San Francisco and also including service to points in the Peninsula and some East Bay points as far south as San Jose. All competing carriers were notified of the application and hearing, but none appeared in protest, although two had previously filed protests and requested a hearing.

Hearing was held in Ukiah on December 13, 1960, before Examiner Rowe. Evidence was adduced and the matter duly submitted for decision.

Testimony as to the needs of some fifty-five substantial shippers was received. Applicant also testified generally as to such need and that he had many years of experience and was adequately financed so as to assure an efficient and comprehensive service to the shipping public. He further stated that he wanted no change in his petroleum irregular route authority nor in the statement of the commodities he should be permitted to carry either in the presently certificated territory or that presently sought.

The Commission finds from the evidence produced that applicant is well qualified to perform this service in the enlarged manner requested and that the service is required by public convenience and necessity.

Applicant is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by

the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

Application therefor having been filed, the Commission being informed in the premises, and based upon the foregoing findings,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Alfred F. Antoni, authorizing him to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points and over the routes as more particularly set forth in Appendices A and B attached hereto and made a part hereof.

2. A certificate of public convenience and necessity is hereby granted to Alfred F. Antoni, authorizing him to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, between the points as more particularly set forth in Appendix C attached hereto and made a part hereof.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his operations and to comply with and observe the safety rules and other regulations of the Commission's General Order No. 99 and insurance requirements of the Commission's General Order No. 100-A. Failure to file such reports in

such form and at such time as the Commission may direct, or to comply with and observe the provisions of General Orders Nos. 99 and 100-A, may result in a cancellation of the operating authority granted by this decision.

(b) Within one hundred and twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.

4. The certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes the certificate of public convenience and necessity granted by Decision No. 59299 dated November 24, 1959, in Application No. 41172, which certificate is hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 3(b) hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14th day of FEBRUARY, 1961.

*Arthur W. Brown*  
President

*John Mitchell*

*E. Lynn Fox*

*George E. Brown*

*Fredrick B. Holloff*  
Commissioners

Alfred F. Antoni, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, for the transportation of general commodities as follows:

1. Between all points and places in the San Francisco-East Bay Cartage Zone, as described in Appendix B attached hereto.
2. Between all points and places on and within five miles laterally of the following named highways:
  - a. U. S. Highways 101 and 101 Bypass between San Mateo and San Jose, inclusive.
  - b. State Highways 9 and 17 between Hayward and San Jose, inclusive.
3. Between all points and places located within a radius of ten miles of the City of San Jose.
4. Between all points and places described in subparagraphs 1, 2 and 3 above, on the one hand, and, on the other hand, all points and places on the following described highways:
  - a. U. S. Highway 101 between San Francisco and Laytonville, inclusive, including the off route points of Talmage, Redwood Valley and Potter Valley, and including all points and places located within five miles laterally of U. S. Highway 101 between San Francisco and San Rafael.
  - b. State Highway 20 between its intersection with U. S. Highway 101 near Calpella and its intersection with State Highway 53 four miles east of Clear Lake Oaks, inclusive.

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- c. State Highway 29 between Upper Lake and its intersection with unnumbered county highway known as Lower Lake Road five miles south of Kelseyville, inclusive.
  - d. Unnumbered county highway known as Lower Lake Road between its intersection with State Highway 29 five miles south of Kelseyville and Lower Lake, inclusive.
  - e. State Highway 53 between Lower Lake and its junction with State Highway 20 four miles east of Clear Lake Oaks, inclusive.
  - f. Unnumbered county highway between its junction with State Highway 53 north of Lower Lake and Clear Lake Park, inclusive, via Clear Lake Highlands and Austin.
5. Through routes and rates may be established between any and all points described in subparagraphs 1, 2, and 3 above.
  6. No local service is authorized between points and places located on and laterally of the highways described in subparagraphs 4a through f above.
  7. Applicant may use any and all highways and roads between the areas described for operating convenience only.
  8. Applicant shall not transport any shipments of:
    - a. Wood chips and shavings.

(End of Appendix A)

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The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary:

Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to So. Mayfair Avenue; thence westerly along said So. Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point one mile west of Highway U. S. 101; thence southeasterly along an imaginary line one mile west of and paralleling Highway U. S. 101 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U. S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point one mile south of Toll Bridge Road; thence easterly along an imaginary line one mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mt. Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line one mile south and southeasterly of and paralleling Mt. Eden Road and Jackson Road to its intersection with an imaginary line one mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line one mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland; thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (Highway U. S. 40); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue (Highway U. S. 40) to its intersection with County Road No. 20 (Contra Costa County); thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U. S. 40; thence northerly along Highway U. S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence

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westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Company right of way and continuing westerly along the prolongation of Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.



Alfred F. Antoni, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code, for the transportation of petroleum and petroleum products in tank trucks and tank trailers, except liquefied petroleum gases or other petroleum products requiring pressurized tanks and liquid asphalt and hot road oils, between all points and places in the State of California.

(End of Appendix C)

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